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27 Attorneys for DEFENDANTS  
28 St. Paul Mercury Insurance Company  
And St. Paul Travelers Companies, Inc.  
(erroneously sued as "The St. Paul Travelers  
Company, Inc.")

19 UNITED STATES DISTRICT COURT  
20 NORTHERN DISTRICT OF CALIFORNIA  
21 SAN JOSE DIVISION

22 SYSTEMS AMERICA, INC., a Delaware  
23 Corporation,

24 Plaintiff,

25 v.  
26 THE ST. PAUL TRAVELERS COMPANY,  
27 INC., a Minnesota corporation, and ST. PAUL  
MERCURY INSURANCE COMPANY, a  
Minnesota corporation,

28 Defendants.

Case No.: C-05-02499 JF

**STIPULATION AND [PROPOSED]  
ORDER SELECTING ADR  
PROCESS**

**The Honorable Jeremy Fogel**

1 Counsel report that they have met and conferred regarding ADR and have reached  
2 the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

3 The parties agree to participate in the following ADR process:

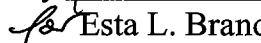
4 **Private Process:**

5 Private ADR/mediation with a provider to be determined.

6 The parties agree to exercise best efforts to hold the ADR session by April 30, 2006.  
7 The parties believe that pre-mediation discovery will be necessary prior to a meaningful  
8 mediation, and agree to cooperate so that such discovery is completed prior to the above  
9 deadline. The parties also agree to meet and confer and cooperate should it prove necessary  
10 to seek the Court's approval to move the above deadline forward given the progress of  
11 discovery over the next several months.

12 Dated: October 7, 2005

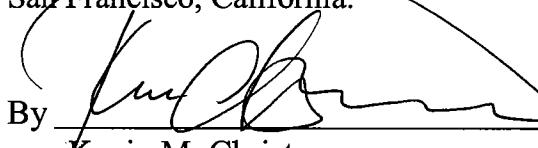
HELLER EHRMAN LLP

13 By   
14   
15 Esta L. Brand

16 Attorneys for Plaintiff  
17 SYSTEMS AMERICA, INC.

18 I hereby attest that I have been authorized by Esta L.  
19 Brand to execute on her behalf this Stipulation And  
20 [Proposed] Order Selecting ADR Process and that this  
21 attestation is executed this 7th day of October, 2005, at  
22 San Francisco, California.

23 Dated: October 7, 2005

24 By   
25 Kevin M. Christensen

26 BULLIVANT HOUSER BAILEY PC  
27 By   
28 Kevin M. Christensen

29 Attorneys for Defendants  
30 ST. PAUL MERCURY INSURANCE COMPANY  
31 AND ST. PAUL TRAVELERS COMPANIES, INC.

## [PROPOSED] ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

## Private mediation

Deadline for ADR session:

April 30, 2006.

Dated: 10/11/05

Jeremy Fogel /s/electronic signature authorized

**UNITED STATES DISTRICT COURT JUDGE**